

PRESIDENT: LB 416 is advanced. LB 443.

CLERK: Mr. President, 443 was a bill that was introduced by Senators Robak, Kristensen and Pirsch. (Title read.) The bill was introduced on January 13, Mr. President, referred to Judiciary Committee. The bill was advanced to General File. I have no committee amendments, Mr. President.

PRESIDENT: Senator Robak, are you going to work again?

SENATOR ROBAK: I think so.

PRESIDENT: Okay.

SENATOR ROBAK: Mr. President and members of the Legislature, LB 443 changes the corroboration rule. Corroboration is a judicially created evidentiary rule that establishes special requirements for sexual assault prosecutions. Specifically, corroboration is additional testimony of evidence beyond the testimony of a victim. Without corroboration, a conviction for a sexual assault cannot be upheld in Nebraska. LB 443 eliminates the corroboration rule for persons 15 years of age or older. Nebraska is the only state in the Union that has retained the corroboration rule for all cases of sexual assault. Corroboration is practically required in six states since they permit third party complaints as testimony. The Pages have passed out a fact sheet outlining the corroboration rules in other states. Corroboration is not required for any other criminal testimony in Nebraska. For example, if a man shoots a gun at me and, hopefully, he is a bad enough shot to miss me entirely, he can be convicted of attempted murder on my eyewitness testimony alone. However, if that same man rapes me, the courts require additional evidence beyond my eyewitness testimony to obtain a conviction. Practically, the corroboration rule has a low threshold of compliance. Mere reporting the assault to offend by the victim satisfies the corroboration rules. The continued existence of the corroboration rule, therefore, does little to protect an innocent defendant while perpetuating an assaulting stereotype of women victims of sexual assault. Because children are not always reliable witnesses, LB 443 maintains the corroboration rule for children. The age of 15 was selected because Nebraska statutes already define children as under the age of 15 for the crime of felony sexual contact of a child. The Pages have also handed out a one-page fact sheet on the history and use of the